

## GOVERNMENT OF PUDUCHERRY

## LABOUR DEPARTMENT

(G. O. Rt. No. 127/AIL/Lab./J/2010, dated 10th June 2010)

## NOTIFICATION

Whereas, the Award in I.D. No. 38/2007, dated 22-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Mohan Breweries and Distilleries Limited, Puducherry and Mohan Breweries and Distilleries Thozhilalar Sangam over non-employment of Thiru. R. Murugiyar and 8 other workmen *viz.*, Thiruvallargal (1) K. Ravi, (2) S. Diagarajan, (3) V. Palani, (4) T. Selvaraj, (5) S. Vadivel, (6) S. Sheik Kadar, (7) J. Arulvel, (8) D. Jackabjaseelan has been received;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the Notification issued in Labour Department's G.O. Ms.No.20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

**G. MALAR KANNAN,**

Joint Secretary to Government (Labour).

## BEFORE THE LABOUR COURT AT PONDICHERRY

*Present :* Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,  
II Additional District Judge,  
Presiding Officer, Labour Court,  
Pondicherry.

*Monday, the 22nd day of March 2010.***I.D. No. 38/2007**

M.B.D.L. Thozhilalar Sangam,  
represented by its members

1. R. Murugaiyan
  2. K Ravi
  3. S. Thiagarajan
  4. V. Pazhani
  5. T. Selvaraj
  6. S Vadivel
  7. S. Sheik Kadar
  8. J. Arulvel
  9. T. Jacob Jayaseelan
- .. Petitioners.

*Versus*

The Managing Director,  
Mohan Breweries and  
Distilleries Limited,  
PIPDIC Industrial Estate,  
Mettupalayam, Pondicherry. .. Respondent.

This case coming on 11-3-2010 for final hearing before me in the presence of Tmt. Vrintha Mohan, Counsel for the petitioner and Thiruvallargal R. Ilancheliyan and S. Sakthi Priya, Advocates for the respondent upon hearing both sides, on perusing the records and having stood over, till this day for consideration, this court passed the following:

## ORDER

This industrial dispute has been referred *vide* G.O. Rt, No.161/2007/Lab./AIL/J, dated 3-12-2007 for adjudicating the following:—

1. Whether the dispute raised by Mohan Breweries and Distilleries Limited, Puducherry over non-employment of R. Murugiyar, K. Ravi, S. Diagarajan, V. Palani, T. Selvaraj, S. Vadivel, S. Sheik Kadar, J. Arulvel and D. Jackab Jayaseelan is justified or not?

2. To what relief they are entitled to?

3. To compute the relief, if any, awarded in terms of money if it can be so computed.

2. The facts of the industrial dispute in brief are as follows:—

The petitioners were initially appointed as Trainees and subsequently, they were designated as Sorter, Packing Operator, Operator, Assistant Operator, I S. Machine Fitter, Instrument Technician and Mould Workshop Filter respectively. They served in the respondent company continuously for twelve years without any interruption. The petitioners and other workers had formed a union by name "Mohan Breweries and Distilleries Thozhilalar Sangam" and informed the same to the respondent company. Hence, the respondent took vengeance against the petitioners. The respondent company issued charge sheet to the petitioners and asked for explanation with suspension orders. Then the petitioners T. Tamizharasan, P. Babu and R. Raja were transferred to Valasaravakkam Branch. Then the domestic enquiry was conducted, which was against the natural justice. Especially, the request of the petitioners to have the assistance of the President of the Union in the inquiry was not accepted by the Enquiry Officer. The enquiry was concluded within two days. The petitioners have

not been furnished with the statements of the witnesses and the list of witnesses to be examined in the enquiry. The Enquiry Officer submitted his report to the respondent company and based on his report, the respondent company terminated the services of the petitioners. Hence, the prayer for reinstatement of the petitioners with back wages and other attendant benefits.

3. *Per contra*, traversing the averments in the claim statement, the respondent filed the counter with the following averments:—

The petitioners were the workmen in the respondent factory. The unit was having frequent labour unrest and was constrained to close down the unit for more than one year. Subsequently, the unit was restarted after entering into a settlement, dated 6-11-2004 under section 12 (3) of Industrial Disputes Act, 1947 before the Labour Commissioner, Pondicherry. One of the conditions laid down in the settlement is regarding transfer of workmen which specially provided that "the workers are liable to be transferred from one operation to another or from one section/department to another or from one machine to another or from one unit to another of the same management.

The respondent was having regular practice of transferring its workmen on need basis from Pondicherry to other units in Chennai and to other places and during past several years prior to December 2005, about 23 workmen of distillery unit of Chengalpet were transferred to Pondicherry and later on, they were re-transferred to Valasaravakkam. Similarly about 30 workmen of Pondicherry unit were transferred to various units including Valasaravakkam, Palayaseevaram and other places. In December 2005 as the Valasaravakkam unit at Chennai required the services of two workmen for inspection of bottles and one fitter, three workmen were transferred from Pondicherry to Valasaravakkam unit. The workers transferred from Pondicherry to Valasaravakkam were required to report for duty at Valasaravakkam on 6-12-2005. The transferred workmen refused to go on transfer and were prevaricating by carrying on correspondence. Subsequently, they raised an industrial dispute before the Labour Officer and upon failure, by order of reference, dated 20-3-2006, the Government of Pondicherry referred the issue of transfer to the Labour Court, Pondicherry for adjudication.

The petitioners tried to prevent the transfer of those three workmen and upon the matter being referred for adjudication, they started giving direct

pressure to the respondent management by way of indulging in coercive method of wastage, sabotage, wilful rejection, loitering within the premises to provoke the other workmen and so on. The petitioners were advised a number of times not to indulge in such acts and upon failure to protect the interest of the other workmen, who are peacefully working, disciplinary actions were envisaged against those, who indulged in such unlawful acts. Hence, the respondent acted as a prudent management to maintain discipline among the workmen and the services of the petitioners were terminated by due process of law. Therefore, he prays for dismissal of the petition.

5. During enquiry, on the side of the petitioner, Ex.P1 to Ex.P179 were marked by consent. On the side of the respondent, Ex.R1 to Ex.R145 were marked by consent.

6. *The point for consideration is:*

Whether the dismissal of the petitioners is justified or not?

7. *On this point :*

This reference has been made by the Government to decide whether the non-employment of the petitioners by the respondent management is justified or not? On appearance of petitioner and the management, they filed their respective claim statement as well as the counter.

8. On hearing both sides and on perusing the records, it reveals that the petitioners have been dismissed by the respondent. The petitioners in their claim statement averred that the domestic enquiry has not been conducted by the Inquiry Officer as prescribed by law in a neutral manner. The Inquiry Officer has conducted the domestic enquiry in a biased manner without giving any opportunity, which are entitled for the delinquents as per law as well as by the principles of natural justice. Moreover the Inquiry Officer has not heard the contentions of the petitioners and the enquiry report has also been submitted with unjustified findings. In fact the petitioners have not committed any misconducts as alleged by the respondent. But the management have taken action by way of issuing show cause notice and by way of conducting domestic enquiry without following the principles of natural justice and on wrong conclusion by the Inquiry Officer, the management dismissed the petitioners.

9. The management filed its counter before this court that they have followed the principles of natural justice while charging the delinquents and conducting

the domestic enquiry by a neutral Inquiry Officer. On proved charges alone, the petitioners had been dismissed from their services as per the principles of natural justice. Even in the domestic enquiry, the petitioners have been allowed to be assisted by their co-employee. Though the petitioner workmen have been given fair chance to cross-examine the witnesses, who were examined on the side of the management in the domestic enquiry, they failed to utilise the same except three petitioners namely Sheik Kadar, Jacob and Thiagarajan. The Inquiry Officer has rightly come to the conclusion that the charges of the petitioners were proved. On the conclusion of the report submitted by the Inquiry Officer, the petitioners have been terminated from their services by way of punishment for the misconduct committed by them. Hence, there is no scope to intervene the order of this management by the Labour Court and relied upon the following citations to support his case:—

2009 LLR 113:—

*Novartis India Limited Vs. State of West Bengal and Others:—*

“Back wages - Back wages cannot be granted almost automatically upon *setting aside* an order of termination-Burden of proof that remained unemployed would be on the workman - For the purpose of grant of back wages, besides other factors, conduct of the concerned workman also plays a vital role - Back wages cannot be claimed as a matter of right.”

2009 LLR 1281:—

*Ashok Kumar Sharma Vs. Oberoi Flight Services:*

“Even if dismissal of a workman is in contravention of prescribed procedure and is *set aside*, reinstatement would not follow automatically-Compensation instead of reinstatement has been held to meet the ends of justice - The amount of compensation is increased from Rs.60,000 to Rs. 2 lakhs.”

2009 LLR 62:—

*Avtec Limited Vs. S.P., Krishnagiri District and Others:-*

Strike by members of union - Apprehension of violent activities from them when employers move out material from premises or employees and other staff enter into and go out of factory -Order of injunction issued by the Court against respondent No. 4 Union and its members from obstructing and preventing ingress and egress of men and material- Petitioners entitled to police protection in view of the order of injunction.

10. At this stage when we peruse the domestic enquiry report relating to the petitioners, we can understand that one witness was examined in the enquiry of the petitioner on the side of the management. The petitioners have been permitted to appear through their assistants. The petitioners requested the Inquiry Officer to appoint their union leader to defend their case. But the request was refused by the Inquiry Officer. The petitioners were asked to cross examine the management witnesses and they have 'not cross examined them except Sheik Kadar, Jacob Jayaseelan and Thiagarajan, since their request to appoint their union leader was refused by the Inquiry Officer. Finally, the Inquiry Officer decided the enquiry against the delinquents that all the charges framed against them are proved. The Inquiry Officer conducted and concluded the enquiry in two or three hearings without giving opportunity to the petitioners to defend their case. Therefore, it is manifest that the Inquiry Officer was posthaste in concluding the enquiry and the Inquiry Officer should not have come to a conclusion without giving due opportunity to the petitioners, which is unwarranted, which shows the biasedness of the Inquiry Officer against the delinquents.

11. Since the Inquiry Officer himself concluded the charges in a biased manner in the domestic enquiry, we need not, go into the sustainability of the charge. Upon the biased enquiry report alone, the management also acted to dismiss their employees, which is against the principles of natural justice. No opportunity has been given to the petitioners either by the Inquiry Officer or by the management before the petitioners had been decided to be dismissed from their services. Further the list of witnesses and the statement of witnesses have also not been furnished to the petitioners to defend their case in spite of repeated demands made by them.

12. The learned counsel for the respondent has argued that the petitioners had resorted to commit acts of serious misconduct, such as, wilful insubordination, not maintaining discipline within the factory, causing production loss, etc., Hence, the charges have been framed against them, which were proved in the domestic enquiry and in the domestic enquiry also, due opportunities and fair chances have been given as per law which were not availed of by the petitioners and on the report submitted by the Inquiry Officer and on proved charges, the petitioners have been dismissed from their service by way of punishment of their mistakes.

13. The cardinal point that has to be borne in mind in every case, is whether the person concerned was given a reasonable opportunity of presenting his case

and the authority should act fairly, justly, reasonably and impartially. It is not so much to act judicially but is to act fairly, namely, the procedure adopted must be just, fair and reasonable in the particular circumstances of the case. In other words, application of the principles of natural Justice that no man should be condemned unheard intends to prevent the affecting the rights of the person concerned.

14. It is a fundamental rule of law that no decision must be taken which will affect the right of any person without first being informed of the case and giving him an opportunity of putting his case. The duty to give reasonable opportunity to be heard will be implied from the nature of the function to be performed by the authority which has the power to take punitive or damaging action. Even executive authorities which takes administrative action involving any deprivation of or restriction on inherent fundamental rights of citizens, must take care to see that justice is not only done but manifestly appears to be done. They have a duty to proceed in a way which is free from even the appearance of arbitrariness, unreasonableness or unfairness. They have to act in a manner which is patently impartial and meets the requirements of natural justice.

15. In this case, the petitioners have requested the respondent management to furnish the complaint copy, based on which, the charge sheet was issued. But the respondent management did not furnish the same, which is against the natural justice. Further the petitioners were working in the respondent company for more than 12 years without any interruption. Hence, it was necessary to have given opportunity to the petitioners before issuing termination order to them.

16. Apart from that, in the enquiry proceedings, the management witnesses have not been cross examined by some of the petitioners. In this regard, the Hon'ble High Court in 2007(3) TLNJ 449-456 has stated as follows:—

“On appeal to the High Court it was held that failure to give opportunity to the delinquent official to cross examine the witnesses in departmental proceedings would be fatal.”

Generally, during departmental enquiry, the witnesses should be examined in the presence of the delinquent official after furnishing necessary documents to him. Above all, due opportunity should be given to the delinquent official to cross examine the witnesses. In this case, the perusal of petitioner's documents would show that no such procedure had

been followed in accordance with the aforesaid regulation. The petitioners requested the respondent management to appoint their Union Leader to defend their case, which was refused by them. The cardinal principle of natural justice *i.e.*, ‘*audi alteram partem*’ as found embodied in the regulations, was thrown to winds shockingly. Further no witness was examined on the side of the respondent management before this court to prove that the enquiry was conducted in a neutral manner. During arguments, nothing has been highlighted by the respondent as to how the alleged enquiry could be termed as one in accordance with the said regulation or in accordance with the basic principles of natural justice. Neither no opportunity was given to the petitioner, nor principles of natural justice have been complied with in conducting the domestic enquiry. Hence, the failure to give opportunity to the petitioner to cross examine the witnesses in the domestic enquiry would be fatal. Therefore, the termination of service of the petitioners was bad and the petitioners, by way of producing Ex.P1 to Ex.P179, proved their case and at the same time, the documents filed under Ex.R1 to Ex.R145 are not in any way helpful to the case of the respondent.

18. Hence, for the reasons stated above, the decision of dismissal of the petitioners from the company by the respondent is an erroneous one and is also unjustified and accordingly they can get the benefit of reinstatement.

19. The next issue before me is:—Whether the petitioners were entitled to full back wages. This issue must be determined keeping in view the aforementioned background of the case. There can, however, be no doubt whatsoever that there has been a shift in the approach of this court in regard to payment of back wages. Back wages cannot be granted, almost automatically upon *setting aside* an order of termination. The Hon'ble Apex Court and High Courts in a number of decisions opined that grant of back wages is no automatic. The burden of proof that he remained unemployed would be on the workmen keeping in view the provisions contained in section 106 of the Evidence Act 1972. This court in the matter of grant of back wages has laid down certain guidelines stating that therefore several factors are required to be considered including the nature of appointment, the mode of recruitment; the length of service.

20. It is also trite that for the purpose of grant of back wages, conduct of the concerned workman also plays a vital role. Each decision, as regards grant of back wages or the quantum thereof, would, therefore, depend on the fact of each case. It cannot be claimed

as a matter of right. Considering the facts and circumstances of this case, this court comes to the conclusion that the petitioners are not entitled to get the full back wages and other benefits. The point is decided accordingly.

21. In the result, the industrial dispute is allowed in part to the aforesaid extent and the respondent/management is hereby directed to reinstate the petitioners with continuity of service. However, the petitioners are not entitled to get full back wages and other benefits. There is no order as to costs.

Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the Open Court on this the 22nd day of March, 2010.

**E.M.K.S. SIDDHARTHAR,**  
II Additional District Judge,  
Presiding Officer,  
Labour Court, Pondicherry.

*List of witnesses marked on the side of the petitioner : Nil.*

*List of documents marked by the petitioners:*

No.	Date	Description of Document
Ex. P1	28-11-2005	Application for registration of the petitioner's Trade Union.
Ex. P2	28-11-2005	Receipt issued by the Labour Department to the petitioner's Trade Union.
Ex. P3	25-7-2006	Certificate of registration of Trade Unions- Form 'C' in No. 1456/RTT/2006 - MBDL Thozhilalar Sangam, Pondicherry.
Ex. P4	28-7-2006	Requisition by the petitioner to the Labour Commissioner.
Ex. P5	28-7-2006	Notice of enquiry by Deputy Labour Commissioner to the petitioner and the respondent.
Ex. P6	7-8-2006	Requisition by the petitioner to the Labour Commissioner.
Ex. P7	7-8-2006	Requisition by the petitioner to the Deputy Labour Commissioner.
Ex. P8	20-9-2006	Requisition by the petitioner to the Labour Commissioner.
Ex. P9	21-7-1995	E.S.I.Card.
Ex. P10	1996-1997	The Employee's Provident Fund Scheme (1952) Slip.
Ex. P11	14-2-1998	Offer for engagement of Trainee.

Ex. P12	1-8-1998	Appointment letter issued by the management.
Ex. P13	June-2006	Pay Slip.
Ex. P14	1-8-2006	Show cause notice/suspension order.
Ex. P15	2-8-2006	Request for Tamil translation letter.
Ex. P16	8-8-2006	Suspension order issued in Tamil.
Ex. P17	11-8-2006	Requisition for copy of the complaint.
Ex. P18	14-8-2006	Charge sheet.
Ex. P19	30-8-2006	Reminder for requisition letter, dated 11-8-2006.
Ex. P20	29-8-2006	Call letter by the Enquiry Officer.
Ex. P21	4-9-2006	Statement copy of enquiry proceedings.
Ex. P22	2-9-2006	Request to Enquiry Officer for legal assistance.
Ex. P23	12-9-2006	Statements of enquiry proceedings continuation of dated 4-9-2006.
Ex. P24	10-11-2006	Request for explanation letter and Enquiry Officer report.
Ex. P25	13-11-2006	Reply to the explanation letter and Enquiry Officer report.
Ex. P26	20-12-2006	Termination of service letter by management.
Ex. P27	20-2-2007	Termination of service- full and final settlement of account.
Ex. P28	26-2-2007	Cheque return and replying to the termination of service - full and final settlement of account.
Ex. P29	2-1-2007	Conciliation raise - Form - "L".
Ex. P30	8-2-2007	Request to immediate commence of conciliation enquiry raise.
Ex. P31	19-2-2007	Reminder letter to the letter, dated 8-2-2007.
Ex. P32	19-2-2007	Date issuing letter for conciliation proceedings.
Ex. P33	26-3-2007	Counter filed by the management to the Labour Officer (Conciliation).
Ex. P34	11-5-2007	Detailed description to the management letter, dated 26-3-2007.

Ex. P35	26-9-2007	Request for conciliation failure report.	Ex. P55	20-2-2007	Termination of service-full and final settlement of account.
Ex. P36	8-10-2007	Request Letter to the Commissioner, Labour Department for consider the Conciliation Failure Report.	Ex. P56	26-2-2007	Replying to the termination of service- full and final settlement of account.
Ex. P37	25-10-2007	Request Letter to the Deputy Commissioner - Labour Department for consider the Conciliation Failure Report.	Ex. P57	23-6-1995	E.S.I. Card.
Ex. P38	25-10-2007	Reminder Letter to the Commissioner - Labour Department for request letter, dated 8-10-2007.	Ex. P58	1-1-1997	Appointment letter issued by the management.
Ex. P39	20-10-2007	Conciliation Failure - Report by the Labour Officer (Conciliation).	Ex. P59	February -2004	Pay Slip.
Ex. P40	26-11-2007	Request Letter to the Commissioner - Labour Department to refer conciliation. failure report to Labour Court.	Ex. P60	1-8-2006	Show cause notice/ suspension order.
Ex. P41	3-12-2007	Government of Puducherry Notification.	Ex. P61	2-8-2006	Request for Tamil translation letter.
Ex. P42	1-7-1993	E.S.I. Card.	Ex. P62	8-8-2006	Suspension order issued in Tamil.
Ex. P43	18-11-1993	Offer for engagement of Trainee.	Ex. P63	11-8-2006	Requisition for copy of the complaint.
Ex. P44	2-1-1995	Appointment letter issued by the management.	Ex. P64	14-8-2006	Charge sheet.
Ex. P45	8-8-2006	Show cause notice/suspension order.	Ex. P65	29-8-2006	Call letter by the Enquiry Officer.
Ex. P46	9-8-2006	Request for Tamil translation letter.	Ex. P66	5-9-2006	Statement copy of enquiry proceedings.
Ex. P47	17-8-2006	Suspension order issued in Tamil.	Ex. P67	13-9-2006	Request to Enquiry Officer for legal assistance.
Ex. P48	21-8-2006	Requisition for copy of the complaint.	Ex. P68	13-9-2006	Statements of enquiry proceedings continuation of dated 5-9-2006.
Ex. P49	25-8-2006	Charge sheet.	Ex. P69	21-9-2006	Request letter to the Enquiry Officer to consider the letter dated 13-9-2006.
Ex. P50	30-08-2006	Reminder for requisition letter, dated 21-8-2006.	Ex. P70	21-9-2006	Statements of enquiry proceedings continuation of dated 13-9-2006.
Ex. P51	29-9-2006	Statement copy of enquiry proceedings.	Ex. P71	22-9-2006	Letter to the domestic Enquiry Officer for non-recording of the arguments.
Ex. P52	3-11-2006	Request for explanation letter and Enquiry Officer report.	Ex. P72	10-11-2006	Request for explanation letter and Enquiry Officer report.
Ex. P53	6-1-2007	Reply to the explanation letter and enquiry report.	Ex. P73	13-11-2006	Reply to the explanation letter and Enquiry Officer report.
Ex. P54	11-1-2007	Termination of service letter by management.	Ex. P74	18-12-2006	Termination of service letter by management
			Ex. P75	20-2-2007	Termination of service-full and final settlement of account.
			Ex. P76	26-2-2007	Replying to the termination of service - full and final settlement of account.

Ex. P77	1-8-1997	Appointment letter issued by the management.	Ex. P101	8-8-2006	Suspension order issued in Tamil.
Ex. P78	2000-2001	The Employee's provident Fund Scheme (1952) slip.	Ex. P102	11-8-2006	Requisition for copy of the complaint.
Ex. P79	5-8-2006	Show cause notice/suspension order.	Ex. P103	14-8-2006	Charge sheet.
Ex. P80	7-8-2006	Request for Tamil translation letter.	Ex. P104	29-8-2006	Call letter by the Enquiry Officer.
Ex. P81	9-8-2006	Suspension order issued in Tamil.	Ex. P105	4-9-2006	Statement copy of enquiry proceedings.
Ex. P82	18-8-2006	Requisition for copy of the complaint.	Ex. P106	12-9-2006	Request to Enquiry Officer for legal assistance.
Ex. P83	25-8-2006	Charge sheet	Ex. P107	12-9-2006	Statements of enquiry proceedings continuation of dated 4-9-2006.
Ex. P84	4-9-2006	Reminder for the requisition letter, dated 18-8-2006.	Ex. P108	16-9-2006	Request letter to the Enquiry Officer to consider the letter dated 12-9-2006.
Ex. P85	15-9-2006	Call letter by the Enquiry Officer.	Ex. P109	16-9-2006	Statements of enquiry proceedings continuation of dated 12-9-2006.
Ex. P86	30-9-2006	Request to Enquiry Officer for legal assistance.	Ex. P110	3-1-2007	Request for explanation letter and Enquiry Officer report.
Ex. P87	30-9-2006	Statement copy of enquiry proceedings.	Ex. P111	6-1-2007	Reply to the explanation letter and Enquiry Officer report.
Ex. P88	12-10-2006	Statement of continuation of enquiry proceedings, dated 30-9-2006.	Ex. P112	11-1-2007	Termination of service letter by management.
Ex. P89	3-1-2007	Request for explanation letter and Enquiry Officer report.	Ex. P113	20-2-2007	Termination of service- full and final settlement of account.
Ex. P90	6-1-2007	Reply to the explanation letter and Enquiry Officer report.	Ex. P114	26-2-2007	Cheque return and replying to the termination of service - full and final settlement of account.
Ex. P91	11-1-2007	Termination of service letter by management.	Ex. P115	25-9-1995	E.S.I. Card.
Ex. P92	20-2-2007	Termination of service-full and final settlement of account.	Ex. P116	1-2-1999	Offer for engagement of Trainee.
Ex. P93	27-2-2007	Replying to the termination of service - full and final settlement of account.	Ex. P117	1-4-2001	Appointment letter issued by the management.
Ex. P94	21-6-2003	E.S.I. Card.	Ex. P118	8-8-2006	Show cause notice/suspension order.
Ex. P95	2003-2004	The Employee's Provident Fund Scheme (1952) slip.	Ex. P119	9-8-2006	Request for Tamil translation letter.
Ex. P96	June-2006	Pay slip.	Ex. P120	17-8-2006	Suspension order issued in Tamil.
Ex. P97	3-3-2003	Offer for engagement of Assistant Operator on temporary basis.	Ex. P121	22-8-2006	Requisition for copy of the complaint.
Ex. P98	16-2-2004	Appointment letter issued by the management.	Ex. P122	25-8-2006	Charge sheet.
Ex. P99	1-8-2006	Show cause notice/suspension order.	Ex. P123	30-8-2006	Reminder for requisition letter, dated 22-8-2006.
Ex. P100	2-8-2006	Request for Tamil translation letter.			

Ex. P124	15-9-2006	Call letter by the Enquiry Officer.	Ex. P148	20-12-2006	Termination of service letter by management.
Ex. P125	28-9-2006	Request to Enquiry Officer for legal assistance.	Ex. P149	20-2-2007	Termination of service - full and final settlement of account.
Ex. P126	28-9-2006	Statement copy of enquiry proceedings.	Ex. P150	26-2-2007	Cheque return and replying to the termination of service - full and final settlement of account.
Ex. P127	24-11-2006	Request for explanation letter and Enquiry Officer report.	Ex. P151	28-5-1996	Offer for engagement of Trainee.
Ex. P128	30-11-2006	Reply to the explanation letter and Enquiry Officer report.	Ex. P152	5-8-2006	Show cause notice/suspension order.
Ex. P129	20-12-2006	Termination of service letter by management.	Ex. P153	17-8-2006	Suspension order issued in Tamil.
Ex. P130	20-2-2007	Termination of service - full and final settlement of account.	Ex. P154	25-8-2006	Charge sheet.
Ex. P131	26-2-2007	Replying to the termination of service- full and final settlement of account.	Ex. P155	15-9-2006	Call letter by the Enquiry Officer.
Ex. P132	1999-2000	The Employee's Provident Fund Scheme (1952) slip.	Ex. P156	27-9-2006	Statement copy of enquiry proceedings.
Ex. P133	17-8-1994	Offer for engagement of Trainee.	Ex. P157	24-11-2006	Request for explanation letter and Enquiry Officer report.
Ex. P134	10-3-1996	Appointment letter issued by the management.	Ex. P158	20-12-2006	Termination of service letter by management.
Ex. P135	June-2005	Pay Slip.	Ex. P159	20-12-2007	Termination of service - full and final settlement of account.
Ex. P136	8-8-2006	Show cause notice/suspension order.	Ex. P160	3-3-2007	Cheque return and replying to the termination of service - full and final settlement of account.
Ex. P137	9-8-2006	Request for Tamil translation letter.	Ex. P161	1-2-1996	E.S.I. Card.
Ex. P138	17-8-2006	Suspension order issued in Tamil.	Ex. P162	1995-1996 to 2003-2004	The Employees Provident Fund Scheme (1952) Slip.
Ex. P139	22-8-2006	Requisition for copy of the complaint.	Ex. P163	25-5-1995	Offer for engagement of Trainee.
Ex. P140	25-08-2006	Charge sheet.	Ex. P164	1-5-1997	Appointment letter issued by the management.
Ex. P141	30-8-2006	Reminder for requisition letter, dated 22-8-2006.	Ex. P165	May-2006	Pay Slip.
Ex. P142	15-9-2006	Call letter by the Enquiry Officer.	Ex. P166	8-8-2006	Show case notice/suspension order.
Ex. P143	28-9-2006	Request to Enquiry Officer for legal assistance.	Ex. P167	9-8-2006	Request for Tamil translation letter.
Ex. P144	28-9-2006	Statement copy of enquiry proceeding.	Ex. P168	17-8-2006	Suspension order issued in Tamil.
Ex. P145	12-10-2006	Statements of enquiry proceedings continuation of dated 28-9-2006.	Ex. P169	19-8-2006	Requisition for copy of the complaint.
Ex. P146	24-11-2006	Request for explanation letter and Enquiry Officer.	Ex. P170	25-8-2006	Charge sheet.
Ex. P147	30-11-2006	Reply to the explanation letter and enquiry.			



Ex. P171	30-8-2006	Reminder for requisition letter dated 19-8-2006.	Ex. P11	29-8-2006	Copy of the letter sent by the Enquiry Officer to R. Murugaiyan (Pg. 97).
Ex. P172	15-9-2006	Call letter by the Enquiry Officer.	Ex. P12	30-8-2006	Copy of the letter sent by R. Murugaiyan to the Respondent (Pg.98-99).
Ex. P173	26-9-2006	Request to Enquiry Officer for legal assistance.	Ex. P13	4-9-2006	Copy of the enquiry proceedings (Pg. 100-101).
Ex. P174	26-9-2006	Statement copy of enquiry proceedings.	Ex. P14	12-9-2006	Copy of the enquiry proceedings (Pg. 102-103).
Ex. P175	21-1-2006	Request for explanation letter and Enquiry Officer report.	Ex. P15	12-9-2006	Letter given by R. Murugaiyan to Enquiry Officer. (Pg. 104).
Ex. P176	22-11-2006	Reply to the explanation letter and Enquiry Officer report.	Ex. P16	25-10-2006	Enquiry report for R. Murugaiyan (Pg.105-111).
Ex. P177	20-12-2006	Termination of service letter by management.	Ex. P17	10-11-2006	Second show cause notice given by the Respondent to R. Murugaiyan (Pg.112-113).
Ex. P178	20-2-2007	Termination of service - full and final settlement of account.	Ex. P18	13-11-2006	Reply given by R. Murugaiyan to the Respondent (Pg.114-116).
Ex. P179	3-3-2007	Replying to the termination of service - full and final settlement of account.	Ex. P19	20-12-2006	Termination order to R. Murugaiyan given by the Respondent (Pg.117-119).
<i>List of witnesses examined on the side of the respondent : Nil.</i>			Ex. P20	8-8-2006	Complaint given by the I.S. Maintenance against K. Ravi (Pg.120).
<i>List of documents marked by the respondent :</i>			Ex. P21	8-8-2006	Complaint given by the shift Incharge against. K. Ravi (Pg.121).
Ex. P1	22-7-2000	Copy of the 12(3) settlement (Pg. 1-15).	Ex. P22	8-8-2006	Show cause notice and suspension order given to K. Ravi by the Respondent (Pg.122-123).
Ex. P2	6-11-2004	Copy of the 12(3) settlement (Pg. 16-42).	Ex. P23	9-8-2006	Copy of the letter given by K. Ravi to the Respondent for Tamil translation (Pg.124).
Ex. P3	22-9-2006	Copy of the 18(1) Settlement (Pg. 43-54).	Ex. P24	17-8-2006	Tamil translated show cause notice and suspension order to K. Ravi by the Respondent (Pg.125-126).
Ex. P4	21-7-2006 to 14-8-2006	Circulars issued by the Respondent (Pg. 55-85)	Ex. P25	21-8-2006	Letter given by K. Ravi to the Respondent (Pg.127).
Ex. P5	30-7-2006	Complaint given by the Supervisor against R. Murugaiyan (Pg. 86).	Ex. P26	25-8-2006	Charge sheet given by the Respondent to K. Ravi (Pg.128-130).
Ex. P6	1-8-2006	Show cause notice and Suspension order given to R. Murugaiyan by the Respondent (Pg. 87).	Ex. P27	30-8-2006	Copy of the letter sent by K. Ravi to the Respondent (Pg. 131-132).
Ex. P7	2-8-2006	Copy of the letter given by R. Murugaiyan to Respondent for Tamil translation (Pg. 88).	Ex. P28	15-9-2006	Copy of the letter sent by the Enquiry Officer to K. Ravi (Pg. 133).
Ex. P8	8-8-2006	Tamil translated show cause notice and Suspension order to R. Murugaiyan by the Respondent (Pg. 89-91).			
Ex. P9	11-8-2006	Letter given by R. Murugaiyan to the Respondent (Pg. 92).			
Ex. P10	14-8-2006	Charge sheet given by the Respondent to R. Murugaiyan (Pg. 93-96).			

Ex. P29	29-9-2006	Copy of the enquiry proceedings (Pg.135-136).	Ex.P47	10-11-2006	Second show cause notice given by the Respondent to S. Thiyagarajan (Pg. 183-187).
Ex. P30	27-12-2006	Enquiry report for K. Ravi (Pg. 136-141).	Ex.P48	13-11-2006	Reply given by S. Thiyagarajan to the Respondent (Pg.188-189).
Ex. P31	3-1-2007	Second show cause notice given by the Respondent to K. Ravi(Pg.142-143).	Ex.P49	18-12-2006	Termination order to S. Thiyagarajan given by the Respondent (Pg. 190-193).
Ex.P32	6-1-2007	Reply given by K. Ravi to the Respondent (Pg.144-148)	Ex.P50	27-7-2006	Complaint given by the Supervisor against V. Pazhani (Pg. 194).
Ex.P33	11-1-2007	Termination order to R. Murugaiyan given by the Respondent (Pg.149-151).	Ex.P51	8-8-2006	Complaint given by the Supervisor against V. Pazhani (Pg. 195).
Ex.P34	31-7-2006	Complaint given by the acting supervisor against S. Thiyagarajan (Pg.152).	Ex.P52	5-8-2006	Show cause notice and Suspension order given to V. Pazhani by the Respondent (Pg. 196).
Ex.P35	1-8-2006	Show cause notice and Suspension order given to S. Thiyagarajan by the Respondent (Pg.153).	Ex.P53	7-8-2006	Copy of the letter given by V. Pazhani to the Respondent for Tamil translation (Pg. 197).
Ex.P36	2-8-2006	Copy of the letter given by S. Thiyagarajan to the Respondent for Tamil translation (Pg. 154).	Ex.P54	9-8-2006	Tamil translated show cause notice and suspension order to V. Pazhani by the Respondent (Pg. 198-199).
Ex.P37	8-8-2006	Tamil translated show cause notice and suspension order to S. Thiyagarajan by the Respondent (Pg. 155-158).	Ex.P55	18-8-2006	Letter given by V. Pazhani to the Respondent (Pg. 200).
Ex.P38	11-8-2006	Letter given by S. Thiyagarajan to the Respondent (Pg.159).	Ex.P56	25-8-2006	Charge Sheet given by the Respondent to V. Pazhani (Pg. 201).
Ex.P39	14-8-2006	Charge sheet given by the Respondent to S. Thiyagarajan (Pg. 160-162).	Ex.P57	4-9-2006	Copy of the reply, sent by V. Pazhani to the Respondent (Pg. 202-203).
Ex.P40	30-8-2006	Copy of the Letter sent by S. Thiyagarajan to the Respondent (Pg.163-164).	Ex.P58	15-9-2006	Copy of the Letter sent by the Enquiry Officer to V. Pazhani (Pg. 204).
Ex.P41	5-9-2006	Copy of the enquiry proceedings (Pg. 166).	Ex.P59	30-9-2006	Copy of the enquiry proceedings (Pg. 205-206).
Ex.P42	13-9-2006	Copy of the enquiry proceedings (Pg.167-168).	Ex.P60	12-10-2006	Copy of the enquiry-proceedings (Pg. 207).
Ex.P43	13-9-2006	Copy of the letter given by S. Thiyagarajan to the Enquiry Officer (Pg. 169).	Ex.P61	27-12-2006	Enquiry report for V. Pazhani (Pg. 208-214).
Ex.P44	21-9-2006	Copy of the enquiry proceedings (Pg. 170-171).	Ex.P62	3-1-2007	Second show cause notice given by the Respondent to V. Pazhani.
Ex.P45	25-9-2006	Letter sent by S. Thiyagarajan to the Enquiry Officer (Pg. 172-173).	Ex.P63	6-1-2007	Reply given by V. Pazhani to the Respondent (Pg. 217-218).
Ex.P46	30-12-2006	Enquiry report for S. Thiyagarajan (Pg. 174-182).	Ex.P64	11-1-2007	Termination order to V. Pazhani given by the Respondent (Pg.219-221).

Ex.P65	30-7-2006	Complaint given by the Production Incharge against T. Selvaraj (Pg. 222).	Ex.P85	17-8-2006	Tamil translated show cause notice and suspension order to S. Vadivel by the Respondent.
Ex.P66	1-8-2006	Show cause notice and Suspension order given to T. Selvaraj (Pg. 223).	Ex.P86	22-8-2006	Letter given by S. Vadivel to the Respondent.
Ex.P67	2-8-2006	Copy of the letter given by T. Selvaraj to the Respondent for Tamil translation (Pg. 224).	Ex.P87	25-8-2006	Charge sheet given by the Respondent to S. Vadivel.
Ex.P68	8-8-2006	Tamil translated Show cause Notice and Suspension order to T. Selvaraj by the Respondent (Pg. 225-227).	Ex.P88	30-8-2006	Copy of the Letter sent by S. Vadivel to the Respondent.
Ex.P69	11-8-2006	Letter given by T. Selvaraj to the Respondent (Pg. 228).	Ex.P89	15-9-2006	Copy of the Letter sent by the Enquiry Officer to S. Vadivel.
Ex.P70	14-8-2006	Charge sheet given by the Respondent to T. Selvaraj (Pg. 229-232).	Ex.P90	29-9-2006	Copy of the enquiry proceedings.
Ex.P71	29-8-2006	Copy of the letter sent by the Enquiry Officer to T. Selvaraj (Pg. 233).	Ex.P91	28-9-2006	Copy of the letter sent by S. Vadivel to the Enquiry Officer.
Ex.P72	4-9-2006	Copy of the enquiry proceedings (Pg. 234-235)	Ex.P92	22-11-2006	Enquiry report for S. Vadivel.
Ex.P73	12-9-2006	Copy of the enquiry proceedings (Pg. 236).	Ex.P93	24-11-2006	Second show cause notice given by the Respondent to S. Vadivel.
Ex.P74	12-9-2006	Letter given by T. Selvaraj to the Enquiry Officer (Pg. 237).	Ex.P94	30-11-2006	Reply given by S. Vadivel to the Respondent.
Ex.P75	16-9-2006	Copy of the enquiry proceedings (Pg. 238-239).	Ex.P95	20-12-2006	Termination order to S. Vadivel given by the Respondent.
Ex.P76	16-9-2006	Letter given by T. Selvaraj to the Enquiry Officer (Pg. 240-241).	Ex.P96	7-8-2006	Complaint given by the Shift Engineers against S. Shaik Kadher.
Ex.P77	27-12-2006	Enquiry report for T. Selvaraj (Pg. 242-250).	Ex.P97	8-8-2006	Complaint given by the Shift Incharges against S. Shaik Kadher.
Ex.P78	3-1-2007	Second show cause notice given by the Respondent to T. Selvaraj.	Ex.P98	8-8-2006	Show cause notice and Suspension order given to S. Shaik Kadher by the Respondent.
Ex.P79	6-1-2007	Reply given by T. Selvaraj to the Respondent.	Ex.P99	9-8-2006	Copy of the letter given by S. Shaik Kadher to Respondent for Tamil translation.
Ex.P80	11-1-2007	Termination Order to T. Selvaraj given by the Respondent.	Ex.P100	17-8-2006	Tamil translated show cause Notice and suspension order to S. Shaik Kadher by the Respondent.
Ex.P81	28-7-2006	Complaint given by the Shift Incharge against S. Vadivel.	Ex.P101	22-8-2006	Letter given by S. Shaik Kadher to the Respondent.
Ex.P82	7-8-2006	Complaint given by the Shift Engineers against S. Vadivel.	Ex.P102	25-8-2006	Charge Sheet given by the Respondent to S. Shaik Kadher.
Ex.P83	8-8-2006	Show cause notice and Suspension order given to S. Vadivel by the Respondent.	Ex.P103	30-8-2006	Copy of the Letter sent by S. Shaik Kadher to the Respondent.
Ex.P84	9-8-2006	Copy of the letter given by S. Vadivel to Respondent for Tamil translation.			

Ex.P104	15-9-2006	Copy of the letter sent by the Enquiry Officer to S. Shaik Kadher.	Ex.P125	22-11-2006	Enquiry report for J. Arulvel.
Ex.P105	28-9-2006	Copy of the enquiry proceedings.	Ex.P126	24-11-2006	Second Show cause notice given by the Respondent to J. Arulvel.
Ex.P106	28-9-2006	Letter given by S. Shaik Kadher to Enquiry Officer.	Ex.P127	30-11-2006	Reply given by J. Arulvel to the Respondent.
Ex.P107	12-10-2006	Copy of the enquiry proceedings.	Ex.P128	20-12-2006	Termination order to J. Arulvel given by the Respondent.
Ex.P108	22-11-2006	Enquiry report for S. Shaik Kadher.	Ex.P129	5-8-2006	Complaint given by the Senior Personnel Officer against D. Jacob Jayaseelan.
Ex.P109	24-11-2006	Second show cause notice given by the Respondent to S. Shaik Kadher.	Ex.P130	5-8-2006	Warning memo issued to D. Jacob Jayaseelan by the Respondent.
Ex.P110	30-11-2006	Reply given by S. Shaik Kadher to the Respondent.	Ex.P131	8-8-2006	Complaint given by the Supervisor against D. Jacob Jayaseelan.
Ex.P111	20-12-2006	Termination order to S. Shaik Kadher given by the Respondent.	Ex.P132	8-8-2006	Show cause notice and Suspension order given to D. Jacob Jayaseelan by the Respondent.
Ex.P112	25-7-2006	Complaint given by the Junior Engineer against J. Arulvel.	Ex.P133	9-8-2006	Copy of the letter given by D. Jacob Jayaseelan to Respondent for Tamil translation.
Ex.P113	3-8-2006	Complaint given by ,the Production Department against J. Arulvel.	Ex.P134	17-8-2006	Tamil translated show cause notice and suspension order to D. Jacob Jayaseelan by the Respondent.
Ex.P114	5-8-2006	Show cause notice and Suspension order given to J. Arulvel by the Respondent.	Ex.P135	19-8-2006	Letter given by D. Jacob Jayaseelan to the Respondent.
Ex.P115	11-8-2006	Copy of the letter given by J. Arulvel to Respondent for Tamil translation.	Ex.136	25-8-2006	Charge Sheet given by the Respondent to D. Jacob Jayaseelan.
Ex.P116	17-8-2006	Tamil translated Showcause Notice and Suspension order to J. Arulvel by the Respondent.	Ex.P137	30-8-2006	Copy of the letter sent by D. Jacob Jayaseelan to the Respondent.
Ex.P117	24-8-2006	Letter given by J. Arulvel to the Respondent.	Ex.P138	15-9-2006	Copy of the letter sent by the Enquiry Officer to D. Jacob Jayaseelan.
Ex.P118	25-8-2006	Charge Sheet given by the Respondent to J. Arulvel.	Ex.P139	26-9-2006	Copy of the letter given by D. Jacob Jayaseelan to the Enquiry Officer.
Ex.P119	30-8-2006	Letter given by J. Arulvel to the Respondent.	Ex.P140	26-9-2006	Copy of the Enquiry Proceedings.
Ex.P120	15-9-2006	Copy of the letter sent by the Enquiry Officer to J. Arulvel.	Ex.P141	29-9-2006	Copy of the letter, given by D. Jacob Jayaseelan to the Enquiry Officer.
Ex.P121	27-9-2006	Copy of the enquiry proceedings.	Ex.P142	16-11-2006	Enquiry report for D. Jacob Jayaseelan.
Ex.P122	11-10-2006	Copy of the enquiry proceedings.	Ex.P143	21-11-2006	Second Show cause notice given by the Respondent to D. Jacob Jayaseelan.
Ex.P123	18-10-2006	Copy of the enquiry proceedings.			
Ex.P124	14-11-2006	Copy of the Letter given by J. Arulvel to the Respondent.			

Ex.P144 22-11-2006 Reply given by D. Jacob Jayaseelan to the Respondent.

Ex.P145 20-12-2006 Termination order to D. Jacob Jayaseelan given by the Respondent.

**E.M.K.S. SIDDHARTHAR,**  
II Additional District Judge,  
Presiding Officer,  
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY  
**LABOUR DEPARTMENT**

(G. O. Rt. No. 128/AIL/Lab./J/2010, dated 10th June 2010)

**NOTIFICATION**

Whereas, the Award two in I.D. Nos. 29/2007(L) and 30/2007 (L), dated 13-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Jyothy Laboratories Limited, Puducherry and (1) Tmt. K. Selvi and (2) Thiru S. Sivanandam over termination of services has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

**G. MALAR KANNAN,**  
Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT AT PONDICHERRY**

*Present :* Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,  
II Additional District Judge,  
Presiding Officer, Labour Court,  
Pondicherry.

*Tuesday, the 13th day of April 2010.*

**I.D. No. 29/2007 (L)**

K. Selvi,  
W/o. Kalivaradan,  
Hindu, aged about 29 years,  
residing at Pillayar Koil Street,  
Kumarapalayam, Vazhudavur Post,  
Pondicherry - 605 502 . . . Petitioner.

*Versus*

The Managing Director,  
Jyothy Laboratories Limited,  
Thethampakkam Village,  
Suthukeny Post (*via.* Vazhudavoor),  
Pondicherry - 605 502 . . . Respondent.

**I.D. No. 30/2007 (L)**

S. Sivanandam,  
S/o. Sokkalingam,  
Hindu, aged about 30 years,  
residing at Kali Koil Street,  
Kumarapalayam, Vazhudavur Post,  
Pondicherry - 605 502 . . . Petitioner.

*Versus*

The Managing Director,  
Jyothy Laboratories Limited,  
Thethampakkam Village,  
Suthukeny Post (*via.* Vazhudavoor),  
Pondicherry - 605 502 . . . Respondent.

This petition coming before me for final hearing on 8-4-2010 in the presence of Thiru R. Mugundhan, Advocate for petitioner in I.D. 29/2007, Thiru L. Rajendiran, Advocate for the petitioner in I.D. 30/2007, Tvl. R. Ilancheliyan, R. Thilagavathi and S. Sakthi Priya, Advocates for the respondent in both the cases, upon hearing both sides, after perusing the case records and having stood over for consideration till this day, this court delivered the following:

**COMMON AWARD**

I.D. 29/2007 arises out of the reference made by the Government of Pondicherry, *vide* G.O.Rt.No.128/2007/Lab./AIL/J, dated 14-9-2007, of the Labour Department, Pondicherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,

1. Whether the termination of the services of Tmt. K. Selvi by the management of M/s. Jyothy Laboratories Limited, Pondicherry is justified or not?
2. To what relief, she is entitled to?
3. To compute the relief, if any, awarded in terms of money, if it can be so computed?

I.D. 30/2007 arises out of the reference made by the Government of Pondicherry, *vide* G.O.Rt.No.129/2007/Lab./AIL/J, dated 14-9-2007, of the Labour Department, Pondicherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,

1. Whether the termination of the services of Thiru S. Sivanandam by the management of M/s. Jyothy Laboratories Limited, Pondicherry is justified or not?

2. To what relief, he is entitled to?

3. To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. Though both these industrial disputes arise out of separate references made by the Government of Pondicherry and documents have been marked separately in both these cases, the disputes involved in both these references are interrelated. Further, though the petitioners have filed separate claim statements, the grounds averred by them in their claim statements are common and the respondent has also filed common counter statement in both the cases and hence, a common Award is passed by this court.

3. The crux of the case is that the petitioners in the above cases are permanent employees of the respondent. According to the respondent, there are about 370 workers in their employment, of whom more than 150 are women workers. On 25-2-2006 around midnight, one Arumugam, the Security on duty, during night rounds, found the petitioners in both the cases having intercourse in a dark place behind the toilet and when the Security focused the torch light on them, they separated and went to their work place. The said Arumugam, Security Guard, reported the matter to the Security Supervisor, who in turn took up the matter to the respondent-management. Initially, the respondent suspended both the petitioners. Consequent thereto, the petitioner in I.D.29/2007 came with her henchmen to the respondent's factory in order to wreck vengeance on the Security Guard Arumugam. Therefore, the respondent ordered for domestic enquiry and as the Enquiry Officer found both the petitioners guilty of the charges, the respondent terminated both the petitioners from service. Aggrieved by the said order of dismissal, the petitioners approached the Labour Officer (Conciliation), but as the mediation failed, the present references have been made to this court by the Government.

4. The case of the petitioner in I.D.29/2007 is that she joined the respondent-company on 8-9-1997 as a worker and was confirmed on 1-4-1998 and her last drawn wages was Rs. 2,500 per month. She was an active member of Jyothy Laboratories National Employees' Union. On the other hand, the case of the petitioner in I.D.30/2007 is that he joined the respondent-company on 1-5-1996 as a worker and was confirmed on 1-10-1996 and his last drawn wages was Rs. 4,225 per month. He was functioning as Secretary of Jyothy Laboratories National Employees' Union.

While so, it is the case of the petitioners that the respondent on 27-2-2006 suspended them without mentioning any reason. Later on 7-3-2006, the respondent issued a show cause notice alleging that on

25-2-2006 at about 11.45 p.m. the petitioners in both the industrial disputes were found indulging in illicit intercourse with each other inside the factory premises and that they were caught red handed by the security personnel on duty and further that on 2-3-2006, at about 8.00 p.m. the petitioner Selvy along with her husband came to the factory premises and threatened the security personnel on duty. The petitioners gave a reply to the show cause notice on 9-3-2006, denying the charges. The management ordered for domestic enquiry and enquiry was conducted on 29-3-2006, and the Enquiry Officer furnished a report, date 4-5-2006. The management issued second show cause notice on 20-5-2006, which was replied by the petitioners on 20-6-2006 and finally the respondent issued termination order to the petitioners on 20-7-2006. The petitioners raised an industrial dispute against the said dismissal order before the Labour Officer (Conciliation) on 28-9-2006, but as the conciliation failed, the Government referred the dispute to this court. The petitioners would state that the dismissal order is unjustified for the reasons that it is against the standing orders of the company and the respondent has not followed the principles of natural justice before terminating them from service. Further, they were suspended on 27-2-2006 without mentioning the particulars of charges or the reasons for suspension, but the complaint has been obtained from the Security only on 28-2-2006, which would indicate that the charges have been fabricated. The management has examined only interested witnesses and no workman was examined by the management. The finding of the Enquiry Officer is biased and he had not considered the contradictions in the evidences of the management witnesses and above all, the punishment of dismissal from service given by the respondent is highly disproportionate. Hence, the petitioners have prayed to pass an award holding that the dismissal is unjustified and also for a direction to reinstate them in service with full backwages and attendant benefits.

5. The respondent filed a common counter statement for both the industrial disputes wherein they admit that pending issuance of detailed show cause notice, the petitioners were suspended on 27-2-2006 without mentioning the details of misconduct committed by them. The reason given by the respondent is that since the act committed by the petitioners is very sensitive and any hasty action taken would spoil the life of the individuals, the respondent wanted to take action after making preliminary investigation. However, pending show cause notice, both the petitioners were suspended with effect from 20-7-2006. Subsequently, as the preliminary enquiry revealed a *prima facie* case against

the petitioners and as the petitioners belong to the same village and they also created a scene of violence against the Security Guard who gave the complaint, the petitioners were asked to peruse the complaint during enquiry. As the petitioners admitted during domestic enquiry that they left their workspot during midnight, but they were talking casually without indulging in any illegal acts and the Enquiry Officer also found the charges proved against the petitioners, they were terminated from service and as the act of the petitioners involve moral turpitude, the punishment imputed against them is proportionate to their misconduct. The respondents would therefore state that there is every justification in terminating the petitioners and that the petitioners are not entitled for reinstatement or any other benefit.

*6. Now, the point for determination is :*

1. Whether the petitioners are guilty of the charges of misconduct levelled against them?
2. Whether the respondent's order of dismissal of the petitioners from service is justified?

*On points :*

7. Both sides did not choose to adduce any oral evidence. However, in each case, on the side of the petitioners, Exs.P1 to P10 were marked and on the side of the respondent, Exs.R1 to R19 were marked.

8. Both sides argued the case. The quintessence of the case is that the security personnel of the respondent company during his night rounds on 25-2-2006, found the petitioners Selvy and Sivanandam (petitioners in both the industrial disputes) having intercourse inside the factory premises in a dark place behind the toilet. The respondent initially placed the petitioners under suspension and subsequently after conducting domestic enquiry, the respondent terminated the services of the petitioners. The petitioners raised industrial dispute before the Labour Officer (Conciliation) and as the conciliation failed, both the cases have been referred to this court.

9. Before this court, neither the petitioners nor the respondents adduced any oral evidence and both sides relied, upon the documents filed by them. Inasmuch as the parties did not adduce oral evidence challenging the enquiry proceedings or the veracity of the documents filed or the findings of the Enquiry Officer, it has become the duty of this court to dispose of the cases on the basis of the documents marked on both sides.

10. A perusal of Ex.R1, dated 27-2-2006 goes to show that the petitioners have been suspended from service on 27-2-2006 and they were given subsistence allowance during the suspension period. Ex.R1 also reveals that

the suspension has been made since it was reported that the petitioners have indulged in gross misconduct during night duty. Ex.R1 has been served on the petitioners in person and they have also received the same without any objection. Following Ex.R1, the complaint under Ex.R2, dated 28-2-2006 has been received from Thiru K. Arumugam, the Security Guard on duty, wherein he has stated that at about 12.30 a.m on 25-2-2006, when he was guarding the place behind Exo Unit, he found both the petitioners lying together in the dark and that when he switched on the torch light, both of them got separated and went away. This averment in the complaint has not been challenged or disputed by the petitioners during domestic enquiry or by examining the said Security Guard Arumugam before this court. Exs.R3 and R4, dated 4-3-2006 are the statements of the Security Guard and the Security Supervisor obtained by the respondent, on the basis of which the show cause notice Ex.R5, dated 07-3-2006 was served on the petitioners. Ex.R6, is the reply to the show cause notice given by the petitioners denying the charges and requesting the management to produce the copy of the complaint of the Security Guard. Under Ex.R7, the respondent has enclosed the copies of the said documents and had asked the petitioners to give a reply to Ex.R6. The petitioners have sent a reply under Ex.R8 stating that the allegation against them is false and that such an allegation had tarnished their image among their family members and the society and they have requested the respondent to revoke the suspension order. Under Ex.R9, dated 29-3-2006, the respondent has issued charge sheet against the petitioners alleging that they have left their work spot and have indulged in illicit intercourse on 25-2-2006, at about 11.45 p.m. behind the toilet near the factory building and in addition to the above charge, the petitioner Selvy was also charged for the offence that during the suspension period on 2-3-2006, at about 8.00 p.m. she brought her husband and outsiders to the respondent factory and shouted that the Security Guard Arumugam should come out of the factory, so that she would slaughter him and go to jail. The petitioner has also appointed Thiru T. Ramalingam, Advocate as the Enquiry Officer and the same was informed to the petitioners under Ex.R11. In turn the Enquiry Officer had sent a notice of appearance to the petitioners and pursuant thereto enquiry has been conducted. which is evident from Ex.R13. Ex.R14, dated 4-5-2006, is the report of the Enquiry Officer. In pursuance of Ex.R14, the respondent has issued Ex.R15-notice, dated 20-5-2006 to the petitioners asking them why they should not be given the punishment of dismissal from service. Under Ex.R16-letter, the petitioners have sought two weeks time to give reply to Ex.R15. Since the

petitioners did not give any reply, the respondent sent a note to the petitioners under Ex.R17 calling upon them to furnish the reply within three days. The petitioners on receipt of Ex.R18, gave a reply stating that the finding of the Enquiry Officer is wrong and cannot be accepted and hence, they have requested the respondent to refrain from any action against them. As the respondent did not find the reply to be satisfactory, the respondent issued the order of dismissal as seen from Ex. R19, dated 20-7-2006. Exs.P1 to P8 are nothing but the letters sent by the respondent to the petitioners, the enquiry proceedings and the report of the Enquiry Officer which have been marked under Ex.R series. Ex.P9 is the letter given by the petitioners to the Labour Officer (Conciliation) and Ex.P10 is the failure report of the Conciliation Officer. Therefore, the existence and the genuineness of the documents marked on both sides are not in dispute.

11. A perusal of the records goes to show that the petitioners have clearly admitted during domestic enquiry that they have left their work spot around midnight and they have also admitted that they have gone behind the toilet inside the factory premises. It is their version that they were only talking with each other and that they did not indulge in intercourse as projected by the management. It is further seen that the petitioners have not disproved the contention of the Security Guard that they were involved in intercourse by way of effective cross examination. If really, the petitioners had been talking with each other at those odd hours in the darkness, they could have at least examined any of their co-workers to corroborate their evidence. But it is found that the petitioners were not able to establish their case. It is also the case of the petitioners that there was no ill will or hatred between them and the Security Guard so as to throw such a vulgar allegation against them. It is to be seen that rightly or wrongly, the respondent company has engaged both men and women in equal proportions during night shifts. The course of engaging women workers along with men workers in equal proportion during night shifts, as adopted by the respondent factory, needs to be checked by the competent authorities, since there is a high risk of sexual assault on women during night hours. It is not known whether the respondent company has obtained necessary permission for such engagement of women during night hours. Such a system of engaging women in night shifts in factories would certainly ruin the morality of the Indian society. Whatever it may be, the act of the petitioners in leaving the work spot and going aloof in the darkness is sufficient to speak about their moral attitude and character and inasmuch as the evidence of the Security Guard Arumugam has not been shattered by the petitioners either during domestic enquiry or before this court, this court finds that the finding of the Enquiry Officer that the petitioners have indulged in intercourse has to be sustained.

12. This court finds that the illegal act committed by the petitioners involve mortal turpitude and further, this court finds that the punishment of dismissal from service as awarded by the respondent is proportionate to the gravity of the offence committed by the petitioners and this court finds that the termination of the petitioners from service is justified, but that the petitioners shall be entitled for the outstanding dues during the period of work. That apart, it is submitted before this court that the petitioner in I.D.29/2007, viz., Selvi has lost her husband. Considering the fact that the petitioner Selvi is a widow and she has two children to be nurtured and considering the welfare of her children, this court finds that it would be justified for the respondent to pay some amount of compensation to her, apart from the dues to which she would be entitled and at any rate, total amount of the outstanding dues and the compensation should be Rs. 1,50,000 (Rupees one lakh and fifty thousand only).

The points above are answered accordingly.

17. In the result, Award is passed accordingly by answering the industrial dispute to the effect that:

(1) The termination of Selvi, the petitioner in LD.29/2007 is justified.

(2) Selvi, the petitioner in I.D.29/2007 shall in accordance with law be entitled for the arrears of amounts, if any, due to her during the period of service rendered by her in the respondent-company till her termination. That apart, she shall be entitled for compensation on account of the welfare and well being of her children and that the total amount of the outstanding dues and the compensation should be Rs. 1,50,000 (Rupees one lakh and fifty thousand only).

(3) The termination of Sivanandam, the petitioner in I.D.30/2007, is justified.

(4) Sivanandam, the petitioner in I.D.30/2007 shall in accordance with law be entitled for the arrears of amounts, if any, due to him during the period of service rendered by him in the respondent-company till his termination.

Typed to my dictation, corrected and pronounced by me in the open court on this the 13th day of April 2010.

**E.M.K.S. SIDDHARTHAR,**  
II Additional District Judge,  
Presiding Officer,  
Labour Court, Pondicherry.



*IN I.D.29/2007**List of witnesses examined for petitioner : Nil**List of witnesses examined for respondent : Nil**List of exhibits marked for the petitioner :*

- Ex. P1 — 8-4-2010 Order of suspension, dated 27-2-2006.
- Ex. P2 — 8-4-2010 Notice, dated 7-3-2006 for explanation by petitioner.
- Ex. P3 — 8-4-2010 Charge sheet, dated 29-3-2006
- Ex. P4 — 8-4-2010 Domestic enquiry proceedings, dated 27-4-2006.
- Ex. P5 — 8-4-2010 Enquiry report, dated 4-5-2006.
- Ex. P6 — 8-4-2010 Notice, dated 20-5-2006 for explanation by petitioner.
- Ex. P7 — 8-4-2010 Letter to the Manager from the petitioner, dated 20-6-2006.
- Ex. P8 — 8-4-2010 Order of termination of service.
- Ex. P9 — 8-4-2010 Letter to the Conciliation Officer, Labour Department.
- Ex. P10— 8-4-2010 Report on failure of Conciliation, dated 19-7-2007

*List of exhibits marked for the respondent :*

- Ex. R1 — 8-4-2010 Copy of Order of Suspension, dated 27-2-2006.
- Ex. R2 — 8-4-2010 Copy of letter to the Manager, dated 28-2-2006.
- Ex. R3 — 8-4-2010 Deposition of the Security Officer, dated 4-3-2006.
- Ex. R4 — 8-4-2010 Deposition of the Security Officer, dated 4-3-2006.
- Ex. R5 — 8-4-2010 Notice, dated 7-3-2006, regarding explanation.
- Ex. R6 — 8-4-2010 Letter, dated 9-3-2006.
- Ex. R7 — 8-4-2010 Letter to the petitioner, dated 13-3-2006.
- Ex. R8 — 8-4-2010 Letter to the Manager.
- Ex. R9 — 8-4-2010 Charge sheet, dated 29-3-2006
- Ex. R10— 8-4-2010 Memo, dated 10-4-2006.
- Ex. R11— 8-4-2010 Memo, dated 20-4-2006.
- Ex. R12— 8-4-2010 Notice sent by Enquiry Officer to the petitioner.
- Ex. R13— 8-4-2010 Domestic enquiry proceedings, dated 27-4-2006.
- Ex. R14— 8-4-2010 Domestic enquiry report, dated 4-5-2006.
- Ex. R15— 8-4-2010 Notice, dated 20-5-2006 regarding explanation.
- Ex. R16— 8-4-2010 Letter to the Manager from the petitioner.
- Ex. R17— 8-4-2010 Memo, dated 20-6-2006

Ex. R18— 8-4-2010 Letter to the Manager, dated 20-6-2006.

Ex. R19— 8-4-2010 Letter of termination, dated 20-7-2006.

*IN I.D.30/2007**List of witnesses examined for petitioner : Nil**List of witnesses examined for respondent : Nil**List of exhibits marked for the petitioner :*

- Ex. P1 — 8-4-2010 Order of suspension, dated 27-2-2006.
- Ex. P2 — 8-4-2010 Notice, dated 7-3-2006 for explanation by petitioner.
- Ex. P3 — 8-4-2010 Charge sheet, dated 29-3-2006
- Ex. P4 — 8-4-2010 Domestic enquiry proceedings, dated 27-4-2006.
- Ex. P5 — 8-4-2010 Inquiry Report, dated 4-5-2006
- Ex. P6 — 8-4-2010 Notice, dated 20-5-2006 for explanation by petitioner.
- Ex. P7 — 8-4-2010 Letter to the Manager from the petitioner, dated 20-6-2006.
- Ex. P8 — 8-4-2010 Order of termination of service.
- Ex. P9 — 8-4-2010 Letter to the Conciliation Officer, Labour Department.
- Ex. P10— 8-4-2010 Report on failure of Conciliation, dated 19-7-2007.

*List of exhibits marked for the respondent :*

- Ex. R1 — 8-4-2010 Copy of order of suspension, dated 27-2-2006.
- Ex. R2 — 8-4-2010 Copy of letter to the Manager, dated 28-2-2006.
- Ex. R3 — 8-4-2010 Deposition of the Security Officer, dated 4-3-2006.
- Ex. R4 — 8-4-2010 Deposition of the Security Officer, dated 4-3-2006.
- Ex. R5 — 8-4-2010 Notice, dated 7-3-2006, regarding explanation.
- Ex. R6 — 8-4-2010 Letter, dated 9-3-2006
- Ex. R7 — 8-4-2010 Letter to the petitioner, dated 13-3-2006.
- Ex. R8 — 8-4-2010 Letter to the Manager.
- Ex. R9 — 8-4-2010 Charge sheet, dated 29-3-2006.
- Ex. R10— 8-4-2010 Memo, dated 10-4-2006.
- Ex. R11— 8-4-2010 Memo, dated 20-4-2006.
- Ex. R12— 8-4-2010 Notice sent by Enquiry Officer to the petitioner.
- Ex. R13— 8-4-2010 Domestic enquiry proceedings, dated 27-4-2006.
- Ex. R14— 8-4-2010 Inquiry report, dated 4-5-2006.
- Ex. R15— 8-4-2010 Notice, dated 20-5-2006 regarding explanation.

- Ex. R16— 8-4-2010 Letter to the Manager from the petitioner.  
 Ex. R17— 8-4-2010 Memo, dated 20-6-2006.  
 Ex. R18— 8-4-2010 Letter to the Manager, dated 20-6-2006.  
 Ex. R19— 8-4-2010 Letter of termination, dated 20-7-2006.

**E.M.K.S. SIDDHARTHAR,**  
 II Additional District Judge,  
 Presiding Officer,  
 Labour Court, Pondicherry.

**GOVERNMENT OF PUDUCHERRY  
 LABOUR DEPARTMENT**

(G.O. Rt. No. 129/AIL/Lab./J/2010, dated 10th June 2010)

**NOTIFICATION**

Whereas, the Award in I.D. No.52/2005, dated 4-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Swadeshi Cotton Mills, Puducherry and the Pondicherry Textile Mills Labour Union(AITUC)-over claiming the post of Maistry in Jobber category to Thiru S. Dhandapani has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the Notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

**G. MALAR KANNAN,**  
 Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT (II ADDITIONAL  
 DISTRICT JUDGE) AT PONDICHERRY**

*Present :* Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,  
 II Additional District Judge,  
 Presiding Officer, Labour Court,  
 Pondicherry.

*Thursday, the 4th day of March 2010*

**I.D. No. 52/2005**

The President,  
 Pondicherry Textile Mills Labour Union,  
 Registration No. 94/RTU/69,  
 No. 49, Rodiar Mill Street,  
 Mudaliarpet,  
 Pondicherry-605 004 . . . Petitioner.

*Versus*

The General Manager,  
 M/s. Swadeshi Cotton Mills,  
 P.O. Box No. 3, Pondicherry-605 004 . . . Respondent.

This industrial dispute coming on this day for hearing before me the petitioner and his counsel called absent, in the presence of Tvl. L. Satish and S. Doraissamy. Advocates for the respondent, upon hearing and after perusing the case records, this court passed the following:

**ORDER**

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G.O. Rt. No. 225/AIL/Lab./J/2005, dated 10-11-2005 of the Labour Department, Pondicherry to resolve the following disputes:

(a) Whether the claim of the Pondicherry Textile Mill Labour Union (AITUC) towards the seniority and Maistry post in Jobber category to Thiru S. Dhandapani (T.No. 684) from the management of M/s. Swadeshi Cotton Mills, Pondicherry is justified or not?

(b) If not, what remedy, he is entitled to?

2. The industrial dispute was taken on file on 16-11-2005. Notice ordered to parties on 23-12-2005. On 6-3-2006 I.A. to implead proposed party as necessary party had been filed and was pending till 26-3-2009. On 8-4-2009 the said I.A. was allowed and the case was posted to 23-4-2009 for filing claim petition. Thereafter, the case was adjourned for about 15 (fifteen) hearings on the following dates : 5-6-2009, 25-6-2009, 2-7-2009, 9-7-2009, 16-7-2009, 8-10-2009, 22-10-2009, 26-11-2009, 3-12-2009, 17-12-2009, 7-1-2010, 21-1-2010, 4-2-2010, 11-2-2010, 25-2-2010 for appearance of the petitioner. The industrial dispute is pending for five years and two months from 23-12-2005 to 4-3-2010. Despite sufficient opportunities given, no representation was made on behalf of the petitioner. This shows that the petitioner has lost interest in the matter and there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, petition is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 4th day of March 2010.

**E.M.K.S. SIDDHARTHAR,**  
 II Additional District Judge,  
 Presiding Officer,  
 Labour Court, Pondicherry.

## GOVERNMENT OF PUDUCHERRY

## LABOUR DEPARTMENT

(G.O. Rt. No. 130/AIL/Lab./J/2010, dated 10th June 2010)

## NOTIFICATION

Whereas, the Award in I.D. No. 34/2008, dated 8-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Swadeshi Cotton Mills (NTC), Puducherry and Swadeshi Panchalai Thozhilalar Urimai Padukappu Sangam, Puducherry over change of date of joining of 17 workmen has been received ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

**G. MALAR KANNAN,**

Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT (II ADDITIONAL  
DISTRICT JUDGE) AT PONDICHERRY**

*Present :* Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,  
II Additional District Judge,  
Presiding Officer, Labour Court,  
Pondicherry.

*Thursday, the 8th day of April 2010*

**I.D. No. 34/2008**

The President,  
Swadeshi Panchalai Thozhilalar Urimai  
Padukappu Sangam, Pondicherry . . . Petitioner

*Versus*

The Managing Director,  
M/s. Swadeshi Mills,  
Pondicherry . . . Respondent.

This industrial dispute coming on this day for hearing before me, the petitioner and his counsel Tmt. Lalitha called absent, Thiru K. Ravikumar, Advocate for the respondent and after perusing the case records, this court passed the following:

## ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G.O. Rt. No. 153/AIL/Lab./J/2008, dated 13-10-2008 of the Labour Department, Pondicherry to resolve the following disputes :

(a) Whether the dispute raised by Swadeshi Panchalai Thozhilalar Urimai Padukappu Sangam against the management of M/s. Swadeshi Cotton Mills, Puducherry for change of date of joining of 17 workers Thiruvalargal R. Sundaramurthy, N. Govindaraj, C.E. Ezhilarasan, V. Ariamala, G. Seethalakshmi, D. Mangalakshmi, K. Subrayan, J. Krishnaraj, D. Paul, D. Kothandaraman, S. Mariapregasam, R. Ravichandiran, M. James, P. Mohan, R. Mohan, M. Parusuramasharma and T. Dhanasegaran is justified or not?

(b) To what relief, they are entitled to? Give appropriate directions.

2. The industrial dispute was taken on file on 22-10-2008. Form-F for the respondent was filed on 21-11-2008 and the case was posted to 11-12-2008 for filing of claim statement. Thereafter the case was adjourned for about 19 (nineteen) hearings on the following dates: 29-1-2009, 5-3-2009, 16-4-2009, 18-6-2009, 16-7-2009, 23-7-2009, 6-8-2009, 10-9-2009, 22-10-2009, 26-11-2009, 10-12-2009, 17-12-2009, 7-1-2010, 21-1-2010, 4-2-2010 for filing of claim statement, on 25-2-2010 and again 4-3-2010 the case was posted for dismissal. Subsequently, on 11-3-2010 petition for adjournment was filed which was allowed and posted for dismissal, again on 25-3-2010, another petition praying for adjournment was filed and allowed and the case was posted for dismissal and for filing of claim statement. The court in spite of granting two times adjournment on request made by the petitioner's counsel, through petition, the petitioner instead of filing the claim statement, cleverly acted and engaged another counsel for filing Form-F and prayed for extension of time for filing claim statement. Unfortunately the petitioner is a labour, who claims to have been victimised by the respondent company, but the petitioner himself is not ready to file claim statement and proceed with the case. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial dispute is pending for 1 year 5½ months (one year and five and a half months) from 22-10-2008 to 8-4-2010. Despite sufficient opportunities given, the petitioner did not choose to file the claim statement. This shows that the petitioner would have got employment in some other company and hence has lost interest in the matter. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence, this court finds that there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, petition is dismissed,

Typed to my dictation, corrected and pronounced by me in the open court on this the 8th day of April 2010.

**E.M.K.S. SIDDHARTHAR,**  
II Additional District Judge,  
Presiding Officer,  
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY  
DEPARTMENT OF PERSONNEL AND  
ADMINISTRATIVE REFORMS (PERSONNEL WING)  
No. A-34012/5/2009/DP&AR (Exam)

Puducherry, the 9th June 2010.

### NOTIFICATION

It is declared that none of candidates have passed the Jail Test held on 29-5-2010.

**GIDDI MRUTHYUNJAYA DURGA RAO,**  
Under Secretary to Government.

புதுச்சேரி அரசு

**இந்து சமய நிறுவனங்கள் மற்றும் வக்ஃபு துறை**

(அரசு ஆணை பல்வகை எண் 20/இசநி/கோ.2/2010  
நாள் 2010 (வர்பு) சூன் 14 வ)

ஆணை

புதுச்சேரி மாநிலம், புதுச்சேரி வட்டாரம், நெட்டப்பாக்கம் கொம்புன், நெட்டப்பாக்கம் பகுதியில் அமைந்துள்ள அருள்மிகு இராமலிங்கேஸ்வரர் தேவஸ்தானம், அரசு ஆணை பல்வகை எண் 50/இசநி/கோ.3/2005-06, நாள் 24-2-2006 மற்றும் அரசு ஆணை பல்வகை எண் 24, இசநி/கோ.3/2009-10 நாள் 4-11-2009-ன் மூலம் நியமிக்கப்பட்ட அறங்காவலர் வாரியம் மற்றும் நிருவாக அதிகாரியால் நிருவகிக்கப்பட்டு வருகிறது. அரசு ஆணை பல்வகை எண் 50/இசநி/கோ.3/2005-06, நாள் 24-2-2006-ன் மூலம் நியமிக்கப்பட்டபடி அறங்காவலர் வாரியத்தின் பதவிக்காலம் 23-2-2009 அன்றுடன் முடிவடைந்து விட்டபடியால், ஆலயத்தை மேலும் செம்மையாக பராமரிக்கும் பொருட்டு, அரசு ஆணை பல்வகை எண் 24/இசநி/கோ.3/2009-10, நாள் 4-11-2009-ன் மூலம் நிருவாக அதிகாரியான திரு. கோ. முருகேசன் அவர்களை சிறப்பு அதிகாரியாக நியமிக்க வேண்டியது அவசியமானதாகக் கருதப்படுகிறது.

2. எனவே 1972-ஆம் ஆண்டு புதுச்சேரி இந்து சமய நிறுவனங்கள் சட்டம் 4 (1)-ஆம் பிரிவின்கீழ் வழங்கப்பட்டுள்ள அதிகாரங்களைச் செலுத்தி, புதுச்சேரி, நெட்டப்பாக்கம், கம்பன் அரசு உயர்நிலைப்பள்ளியில் பயிற்சி பெற்ற தமிழ் ஆசிரியராக பணிபுரிந்துவரும் திரு. கோ. முருகேசன், த/பெ. எம். கோவிந்தராஜ் என்பவர் புதுச்சேரி, நெட்டப்பாக்கம் பகுதியில் அமைந்துள்ள அருள்மிகு இராமலிங்கேஸ்வரர் தேவஸ்தானத்திற்கு சிறப்பு அதிகாரியாக இதன்மூலம் நியமனம் செய்யப்படுகிறார்.

3. திரு. கோ. முருகேசன் அவர்கள் மேற்கூறிய தேவஸ்தானத்திற்கு சிறப்பு அதிகாரியாக பொறுப்பேற்றுக் கொண்டு, தான் வகிக்கும் பதவிக்கு கூடுதலாகவும், 1972-ஆம் ஆண்டு புதுச்சேரி இந்து

சமய நிறுவனங்கள் சட்டம் மற்றும் அதன்கீழ் உருவாக்கப்பட்டுள்ள விதிகளுக்கு இணங்கவும் தேவஸ்தானத்தின் நிருவாகத்தைக் கவனித்து வரவேண்டும்.

(துணைநிலை ஆளுநரின் ஆணைப்படி)

**இரா. அருணாசலம்,**  
அரசு சார்புச் செயலர் (கோயில்கள்).

புதுச்சேரி அரசு

**இந்து சமய நிறுவனங்கள் மற்றும் வக்ஃபு துறை**

(அரசு ஆணை பல்வகை எண் 24/இசநி/கோ.4/2010,  
நாள் 2010 (வர்பு) சூன் 16 வ)

ஆணை

புதுச்சேரி, மகாத்மா காந்தி வீதி, அருள்மிகு சித்தி (ஏழை) விநாயகர் தேவஸ்தானத்தை, நிருவகிக்கும் பொருட்டு அரசு ஆணை பல்வகை எண் 3/இசநி/கோ.4/2006-07, நாள் 11-4-2007-ல் குறிப்பிட்டுள்ள அரசு ஆணை மூலம் நியமிக்கப்பட்ட திரு. ரா. விஜயன் [இளநிலைப் பொறியாளர் (மின்சாரம்)], புதுச்சேரி மருத்துவக் கல்லூரி சங்கம், புதுச்சேரி, அவர்களால் சிறப்பு அதிகாரி என்கிற நிலையில் நிருவகிக்கப்பட்டு வருகிறது. இவர் தனது அலுவல் பணிச்சுமையினாலும், தனது உடல்நிலையைக் கருதியும் 22-3-2010-ஆம் தேதியிட்ட தனது கடிதத்தின் வாயிலாக தான் வகிக்கும் சிறப்பு அதிகாரி பதவியை இராஜினாமா செய்துவிட்டார்.

2. எனவே, ஆலயத்தை மேலும் செம்மையாக நிருவகிக்கும்பொருட்டு இவருக்கு பதிலாகப் வேறு ஒரு புதிய சிறப்பு அதிகாரியை நியமனம் செய்து நிருவகிப்பது இன்றியமையாதது என்று அரசால் கருதப்படுகிறது.

3. எனவே, 1972-ஆம் ஆண்டு புதுச்சேரி இந்து சமய நிறுவனங்கள் சட்டம் 4 (1)-ஆம் பிரிவின்கீழ் வழங்கப்பட்டுள்ள அதிகாரங்களைச் செலுத்தி, புதுச்சேரி, வட்டாட்சியர் அலுவலகத்தில் துணை வட்டாட்சியராகப் பணிபுரிபவரை புதுச்சேரி மகாத்மா காந்தி வீதி, அருள்மிகு சித்தி (ஏழை) விநாயகர் தேவஸ்தானத்திற்குச் சம்பளம் பெறாச் சிறப்பு அதிகாரியாக அரசால் இதன்மூலம் நியமனம் செய்யப்படுகிறார்.

4. துணை வட்டாட்சியர் அவர்கள் மேற்கூறிய தேவஸ்தானத்தின் நிருவாகத்தை அதன் அசையும், அசையாச் சொத்துக்கள், இதர ஆவணங்களுடன் பதவி விலகும் சிறப்பு அதிகாரியிடமிருந்து பொறுப்பேற்றுக்கொண்டு, அரசு துறையில் தான் வகிக்கும் பதவிக்குப் கூடுதலாகவும், 1972-ஆம் ஆண்டு புதுச்சேரி இந்து சமய நிறுவனங்கள் சட்டம் மற்றும் அதன்கீழ் உருவாக்கப்பட்டுள்ள விதிகளுக்கு இணங்கவும், தேவஸ்தானத்தின் நிருவாகத்தைக் கவனித்து வரவேண்டும்.

5. சிறப்பு அதிகாரி நியமனம் ஓர் இடையேற்பாடு என்பதால், திருக்கோயில் தொடர்பான அன்றாடப் பணிகள் மட்டுமே சிறப்பு அதிகாரி கவனித்துவர வேண்டும். அறங்காவலர் வாரியத்தில் எடுக்கப்படக்கூடிய எவ்வித கொள்கை முடிவுகளையும் இந்து சமய நிறுவனங்கள் ஆணையர் அனுமதியின்றி சிறப்பு அதிகாரி மேற்கொள்ளக்கூடாது.

(துணைநிலை ஆளுநரின் ஆணைப்படி)

**இரா. அருணாசலம்,**  
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